THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23106 OF 2005

DATED:27.10.2005

Between:

M.Sukumar

…Petitioner

And

The District Collector, Chittoor District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23106 OF 2005

ORDER:

The petitioner was allegedly assigned dry agricultural land admeasuring Acs.5.48 in S.No.212-1 of Thottambedu Village and Mandal, Chittoor District, vide DKT patta No.108/4/87, dt.7.10.1977. So as to provide house site pattas in the said land, third respondent addressed a notice to the petitioner on 5.8.2005 calling upon the petitioner to handover possession of the land and informed that the Government will pay compensation for the land. Assailing the same, petitioner filed present Writ Petition alleging that there is threat of dispossession and that still he is in possession.

A Larger Bench of seven learned Judges of this Court in **Land Acquisition Officer-**

cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad v. Mekala Pandu, considered the question whether assignees of Government land are entitled for payment of compensation under the provisions of the Land Acquisition Act, 1894 (for short, the Act) when such assigned lands are resumed to Government for public purpose. While overruling a Full Bench of five learned Judges in **State of A.P. v. Bondapalli Sanyasi,** the Larger Bench in **Mekala Pandu case** (supra) ruled as under:

> In the circumstances, we hold that the assignees of the Government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the and for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act, 1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.

Therefore, though it is permissible for the revenue officials to resume the land for public purpose such resumption shall be subject to payment of compensation and other consequential benefits under the provisions of the Act.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (Assignment), impugned action of the third respondent is only a notice and the petitioner can always submit a representation raising his objections, including all the objections raised herein. As and when such objections are filed, the first respondent shall consider those objections before taking any action.

Though the first respondent issued notice on 5.8.2005, the petitioner chose to file the Writ Petition after lapse of two months. Therefore, there shall be status quo as on today.

The Writ Petition with the above observations is accordingly disposed of.

(V.V.S.RAO, J)

27.10.2005

bnr

Note:CC in three days.

(B.O)

bnr